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SIPDIS

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SIPDIS

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SUBJECT: PROPOSAL FOR INL-FUNDED IPR TRAINING FY 2007

REF: A) STATE 55928

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11. (U) This message was coordinated with USPTO.

12. (U) As requested ref A, this message provides a proposal for FY '07 INL-funded regional IPR training.

PROJECT

13. Program on Border Enforcement of Intellectual Property Rights

TARGET: Turkish Customs Service

LOCATION: Turkey

FORMAT: Technical Assistance Workshops

FUNDING: USPTO estimates that \$47,595 would be needed for this training. This funding would cover travel, lodging and per diem for four speakers, equipment rental, interpretation, local travel and business related telephone and Internet usage.

BACKGROUND

14. Turkey remains on the USTR Special 301 Priority Watchlist in part due to ongoing problems with the production and distribution of pirated goods. Turkey's geographic location also makes it a key transit point for goods produced in countries such as Russia and China destined for markets in Europe and the U.S. Industry reports that Customs procedures in Turkey are not effective. The procedures are too complicated and time consuming. In the area of border measures, the absence of a single filing system (which will allow right-holders to enjoy brand protection in several or all customs directorates) is a serious obstacle to effective IPR protection all over Turkey. This situation also discourages right-holders from applying for border measures. The European Commission has noted that coordination between Customs and other relevant authorities (Ministry of Culture, Patent Office, police and IPR courts) is in need of improvement.

PROJECT DESCRIPTION

15. The project would take place over a one-year period with direct involvement of Turkish Customs Service. The program would provide technical assistance in IP border enforcement through instruction

provided by USG experts. Moreover, the program would train Turkish customs officials to effectively implement the new Customs regulations and coordinate with Turkish law enforcement agencies. The program would utilize a series of problem-solving exercises in small groups, and would focus on the day-to-day implementation of the Customs Code and TRIPS border enforcement obligations.

¶16. The problem solving exercises would cover the full-range of IP enforcement issues faced by Customs inspectors. This would include the implementation of IP applications system where right holders can register their IP, detection techniques, seizure procedures, "ex officio" authority, co-operation with rights holders, and coordination with other law enforcement agencies and prosecutors. The USPTO has previously conducted such focused-training exercises and found that they provide an effective approach to engaging the workshop participants. The project would involve two three-day programs conducted over a period of one year.

GOALS/PERFORMANCE MEASURES -----

¶17. The short-term goals of the program would be to provide Turkish border enforcement officials with: 1) tools necessary to detect the movement of infringing goods; 2) experience in working with rights holders; 3) an understanding of new practices in border enforcement. Further, the project will seek to provide an institutional framework and operational procedures for continuing enforcement activity at the border using limited resources.

¶18. Performance measures for the program will include:

- Use of information gained in workshop in daily activities;
- Interaction between Customs officials in different regions;
- Decrease or increase in interest in intellectual property enforcement;
- Desire for further intellectual property enforcement technical assistance; and

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- Increase or decrease in level of intellectual property enforcement at border post.

¶19. Success for the project would be determined by the degree to which enforcement activity has increased at border points in Turkey and implemented a more efficient application system.

SUSTAINABILITY -----

¶10. The workshop provides ongoing benefits in two areas, by providing border enforcement officials with tools for providing their own training after program is completed; and providing a framework through which future training could be conducted.